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Paula Durr
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Signature of Person Mailing

P&G Case No. CM1189Q

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
ACHIM SCHMITT :
Serial No.: 09/242,014 : Group Art Unit: 3761
Filing Date: April 5, 1999
Confirmation No. 9441 : Examiner: J. Webb
For: DISPOSABLE ABSORBENT :
ARTICLE WITH WINGS :
PREDISPOSED TOWARDS :
THEIR IN-USE-POSITION :

RESPONSE

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Dear Sir:

This is responsive to the Office Action mailed May 14, 2002. Please consider the
following remarks.

Rejection under 35 U.S.C. § 102 (b)

Claims 1 and 6-9 have been rejected under 35 U.S.C. § 102(b) as being anticipated by
Widlund (U.S. Patent No. 5,454,804).

The Applicant respectfully traverses the rejection on this basis. The Examiner
contends that Widlund '804 anticipates the Applicants' invention because Widlund '804
discloses a sanitary napkin for wearing in the crotch portion of a pair of underpants, with a
longitudinal and transversal side edges, a wearer facing topsheet and a garment facing

topsheet, with flexible side flaps that are intended to folded around the edges of the leg openings of the wearer's underpants. The Examiner further contends that Widlund '804 teaches integral side wrapping elements. The Examiner also contends that Widlund teaches fold lines "where the wrapping elements and the body portion are severed" (See Detailed Action mailed 5/14/02, page 3, lines 2-3). Contrary to the Examiner's position, Widlund does not teach or suggest each and every element within Claim 1.

The Applicant's invention provides for side wrapping elements on a disposable absorbent article that are integral with the main body portion of the disposable article. These side wrapping elements are folded along fold lines such that the side wrapping elements are positioned in an in-use- position prior to use of the disposable absorbent article. Widlund teaches an absorbent article with flaps that are **formed of a separate material piece** that are mutually joined to an article casing (See **Widlund '804 column 8 line 3**). Widlund's wrapping elements are made from two flexible pieces of material which are firmly secured along the side edges (See **Widlund '804, column 4, lines 39-41**). The Examiner also admits that the side wrapping elements are not integral when she contends that Widlund teaches fold lines "where the wrapping elements and the body portion **are severed**" (See Detailed Action mailed 5/14/02, page 3, lines 2-3). This is not a teaching of side wrapping elements that are **integral**. Thus, Widlund does not render Claim 1, 6, 7, 8, and 9 of the Applicants' present invention unpatentable.

From this evidence, Widlund does not teach or suggest each and every element within Claim 1. Claims 6-9, depend from Claim 1, therefore, the reference does not render Claims 1, and 6-9, unpatentable under 35 U.S.C. § 102 (b).

For the reasons given above, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. § 102(b).

SUMMARY

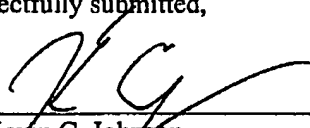
All of the relevant rejections in the Office Action have been discussed.

No new matter has been added by the Amendment.

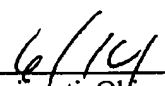
In light of the discussions contained herein, Applicants respectfully request reconsideration of all rejections and allowance of all claims. Early and favorable action is respectfully requested.

Respectfully submitted,

By



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Cincinnati, Ohio
Case CM 1189Q

2002